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CALIFORNIA HIGH-SPEED RAIL AUTHORITY

MEMORANDUM

To: Chairman Pringle and Authority Members **Date:** July 23, 2009

From: Mehdi Morshed, Executive Director

Subject: Agenda Item 9 – Italian Co-Operative Agreement

Discussion:

Attached for your review is a draft of the proposed Co-Operative Agreement between the Authority and the Italian Ministry of Infrastructures and Transportation.

This agreement is similar to the agreements with French, Spain and Japan. It is intended to encourage exchange of information and it is very helpful since they have a great deal of experience with high speed trains.

Recommendation

Authorize the Chairman to execute the co-operative agreement with the Italian Ministry of Infrastructures and Transportation.



CALIFORNIA HIGH-SPEED RAIL AUTHORITY

**Resolution #HSRA10-001
Regarding Italian Co-Operative Agreement**

Whereas, it is desirable for the California High-Speed Rail Authority to enter into a Co-Operative Agreement with the Italian Ministry of Infrastructures and Transportation,

Now, therefore, be it resolved,

Resolved, that the Chairman is authorized to execute a co-operative agreement with the Italian Ministry of Infrastructures and Transportation in substantially the form as shown on the draft co-operative agreement attached to this resolution.

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**COOPERATION AGREEMENT
BETWEEN
THE GOVERNMENT OF CALIFORNIA
AND
THE ITALIAN MINISTRY OF INFRASTRUCTURES AND TRANSPORTATION**

In ??????, on the ?? day of ???, ????, by and between the *California Authority To Be Named* - on behalf of the High Speed Rail Authority with headquarters at 925 L Street, Suite 1425, Sacramento, California 94814 and the - and the Ambassador of Italy to the United States H.E. Giovanni Castellaneta on behalf of the Ministero delle Infrastrutture e dei Trasporti, Direzione Generale del Trasporto Ferroviario, with Headquarters at Via Caraci 36, 00157 Roma;

Both of them, on behalf of the Administration they represent, and with the proper authorization to do so, hereby establish this Cooperation Agreement between the aforementioned entities, for, among others in accordance with the following clauses:

PURPOSE AND SCOPE OF COOPERATION

The two administrations (**hereinafter "the Parties"**) declare their interest in establishing and developing long-term cooperation in the field of high-speed rail transportation and exchange of information relative to the planning, technical standards, procurement, funding and operation, in accordance with their common interests.

THE COORDINATING COMMITTEE

The Parties agree to create a Coordinating Committee headed by a Coordinator, from each Administration, with the experience in high-speed railroad techniques.

DUTIES OF THE COORDINATING COMMITTEE

The Coordinating Committee's initial duty shall be the reciprocal exchange of information on topics considered to be of common interest in the field of railroad activities, as well as of any other topics which allow for reciprocal knowledge to be gained by both parties.

The members of the Committee shall meet, **when** convenient, either **in a place** agreed by the Parties, or in any other way considered convenient and cost effective.

EXCHANGE AND INFORMATION ANALYSIS

This Agreement calls for the signing parties to information exchanges relating to high-speed rail transportation. When considered useful to both Parties, each Party shall comment on the information provided by the other Party, subject to personnel availability and budgetary sources. In this way, each Party is expected to benefit from the exchange of information regarding the latest developments in the field of high speed rail transportation.

TERMINATION

Each Party may terminate this agreement by giving ten days **of prior** notice to the other Party.

LIMITATION

This agreement calls for a voluntary exchange of **public information that is not prohibited by law, that respects the obligations taken by Italy towards the European Union** and that is not against the public **administration** policy. **No right of enforcement is created by this agreement.** This agreement does not constitute an agreement for the provision of goods or services in exchange for compensation, nor does it represent any commitment for a future agreement of that sort. This agreement is not an exclusive agreement, and each Party **may** enter into similar agreements with other entities with interest and expertise in high-speed rail transportation.

CONFIDENTIALITY

No information **considered** confidential shall be released to the other Party unless the other Party is given prior notice on the confidentiality of such information and agrees beforehand **to** accept such information subject to the assertion of confidentiality. This provision is intended to give the receiving Party an opportunity to determine whether its internal laws allow to maintain the confidentiality of such information.

Done at _____ on _____ in two originals, each in English and Italian language, each text being equally authentic.

Californian Authority To Be Named
Title

Italian Authority To Be Named
Title